

REMARKS

In the Final Office Action, the Examiner rejected claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over *Cordery* (U.S. Patent No. 6,613,571) in view of *Bennett* (U.S. Patent No. 5,023,595) and *Connor* (U.S. Patent No. 4,363,438); and allowed claims 19-51.

By this Amendment After Final Action, Applicant proposes to amend claims 1, 2, and 17. Applicant also proposes to amend claim 26 to correct a minor informality. Upon entry of this Amendment After Final Action, claims 1-51 will remain pending.

Applicant gratefully acknowledges the Examiner's allowance of claims 19-51.

Based on the foregoing amendments, Applicant traverses the rejection of claims 1-18, and respectfully requests reconsideration at least for the reasons set forth below:

Applicant respectfully submits that claims 1-18 are patentably distinguishable over *Cordery*, *Bennett*, and *Connor*, alone or in combination.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Each of the three requirements, moreover, must "be found in the prior art, and not be based on applicant's disclosure." See M.P.E.P. §2143, 8th ed., February 2003.

With respect to independent claims 1 and 2, the cited prior art fails to disclose or suggest each element of the invention. In particular, the cited references, taken alone or in combination, at least fail to teach or suggest “a positioning structure establishing a bottom portion of the mail receptacle to a first position below a top portion of the mail receptacle when empty, and lowering the bottom portion of the mail receptacle to a second position as a function of the weight of the received customer-deposited mail,” combined with the other elements recited in the claims.

Cordery discloses an incoming mail receptacle with a hazard detector, including an incoming mailbox 200 with a mail slot 207 for depositing mail, an inner chamber 214, and a plurality of sensors 232, 236, and 237 for detecting any hazards. (*Cordery*, col. 4, II. 29-55). As admitted by the Examiner, *Cordery*, however, does not disclose wherein the plurality of indicators (or sensors) are positioned outside of the enclosure. Additionally, *Cordery* fails to disclose a bottom portion of the inner chamber 214 positioned at a first position below a top portion of the inner chamber 214 when empty, and the bottom portion of the inner chamber 214 being lowered to a second position as a function of the weight of the accumulated mail. Accordingly, *Cordery* fails to teach or suggest the claimed combination including “a positioning structure establishing a bottom portion of the mail receptacle to a first position below a top portion of the mail receptacle when empty, and lowering the bottom portion of the mail receptacle to a second position as a function of the weight of the received customer-deposited mail...[and] an indicator positioned outside the enclosure,” as recited in amended claims 1 and 2.

In order to cure the deficiencies of *Cordery*, the Examiner relies on *Bennett* for its supposed disclosure of “locating indicators outside mailboxes” and on *Connor* for its

supposed disclosure of “a mailbag (No. 52) that is accessible through a door of the mailbox (No. 10).” (*Office Action*, p. 3, ll. 3-5 and 17-18). Neither *Bennett* nor *Connor*, however, teaches or suggests, at least, “a positioning structure establishing a bottom portion of the mail receptacle to a first position below a top portion of the mail receptacle when empty, and lowering the bottom portion of the mail receptacle to a second position as a function of the weight of the received customer-deposited mail,” as recited in amended claims 1 and 2. Consequently, Applicant respectfully submits that the rejection of claims 1 and 2 under 35 U.S.C. §103(a) is unsupportable and should be withdrawn.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-51 in condition for allowance. Applicant submits that the proposed amendments of claims 1, 2, 17, and 26 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in other claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the Final Action by the Examiner presented new arguments on the application of the prior art against the claims, and entry of this Amendment After Final Action would allow the Applicant to reply to those new arguments. Furthermore, entry of these amendments will place the application in condition for allowance or in better form for appeal.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art

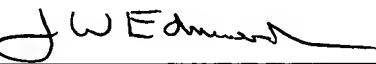
references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
James W. Edmondson
Reg. No. 33,871